



EC-2002-030
II-A-132

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 25 2001

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

C.T. Corporation System
Registered Agent for
Getty Petroleum Marketing, Inc
9 Capital Street
Concord, NH 033301

Re: File No. AED/MSEB - 6050

NOTICE OF VIOLATIONS OF THE CLEAN AIR ACT

Dear Registered Agent:

On August 14, 2000, a reformulated gasoline (RFG) survey inspection was conducted at Bradford Quick Stop, Inc. located at Route 103, Bradford, NH, 03221. On December 21, 2000, representatives of the Environmental Protection Agency (EPA) conducted a follow-up inspection at this same facility. The inspections were conducted to determine compliance with section 211(k) of the Clean Air Act (Act), 42 U.S.C. § 7545(k), and the regulations issued thereunder (40 CFR Part 80, Subpart D).

Where inappropriate fuels are used in internal combustion engines the emissions of harmful gases can increase significantly. Notwithstanding improvements in vehicle emission controls, emissions from motor vehicles continue to make up a very large portion of all air pollution. Congress has established a program of improvement and regulation of fuels to protect our air quality from unnecessary pollution associated with the misfueling of vehicles.

EPA regulations prohibit any person from distributing gasoline for use in RFG covered areas unless the gasoline meets the standards specified for RFG (40 CFR § 80.78). However, EPA has determined that gasoline distributed by Getty Petroleum Marketing, Inc. or its subsidiary, P.T. Petro Corp. (hereinafter collectively referred to as "Getty"), for use at the Bradford Quick Stop, Inc., which is located in an RFG covered area, failed to meet the RFG standards.

In particular, the EPA's investigation has revealed that Getty delivered conventional gasoline to the Bradford Quick Stop, Inc. on at least fifteen (15) occasions from July 3, 2000 to

September 15, 2000. Our investigation indicates that Getty delivered more than 100,000 gallons of conventional gasoline to this station.

Sections 211 and 205 of the Act, 42 U.S.C. §§ 7545 and 7524, authorize EPA to assess a civil penalty of up to \$27,500 per day for each such violation plus the economic benefit or savings resulting from the violations. In determining the appropriate penalty for violations such as these we consider the gravity of the violations, the economic benefit or savings (if any) resulting from the violations, the size of your business, your history of compliance with the Act, actions taken by you to remedy the violations and prevent future violations, the effect of the penalty on your ability to continue in business and other matters as justice may require. Based upon these factors, we propose a civil penalty in the amount of \$62,500.00 for the violations alleged in this Notice.

We encourage early settlement of matters such as this. The settlement process provides substantial flexibility for reducing the proposed penalty, particularly if the alleged violations are corrected promptly. If we cannot settle this matter promptly, we reserve the right to file an administrative complaint or refer this matter to the United States Department of Justice with a recommendation to file a civil complaint in federal district court.

Please contact the EPA attorney designated below regarding this Notice:

Jeffrey A. Kodish, Attorney
U.S. Environmental Protection Agency
Mobile Source Enforcement Branch
Air Enforcement Division
12345 W. Alameda Parkway, Suite 214
Denver, CO 80228
Phone Number: (303) 236-9511

Let me once again emphasize that while we take our obligation to enforce these requirements seriously, we will make every effort to reach an equitable settlement in this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Richard Biondelli".

Bruce C. Buckheit, Director
Air Enforcement Division
Office of Enforcement and Compliance Assurance

cc: Paul J. Stendaridi